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*In re* Application of HESKE et al.  
Appl. No.: 10/500,522  
Filed: April 6, 2005  
For: VACUUM BIOPSY DEVICE

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: **DECISION ON PETITION**  
: **UNDER 37 CFR 1.59**  
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This is a decision on the petition under 37 CFR 1.59(b), filed January 17, 2006, to expunge information from the above identified application.

The petition is dismissed.

Petitioner requests that a document entitled page 68 of WO 00/30546 marked "Privileged & Confidential", filed October 1, 2004 be expunged from the record. "Materiality" is defined as any information which the examiner considers as being important to a determination of patentability of the claims.

The petition is deficient because: 1) the petition does not contain a commitment on the part of petitioner to retain the information to be expunged for the life of any patent with regard to which such information has been submitted.

Petitioner may request reconsideration of the petition. Any such request must be resubmitted within two months of the mailing date of this decision and supply the omitted statements. Any questions regarding this petition decision should be directed to Jessica Harrison, Technology Center 3700 Special Programs Examiner at 571-272-4449.

PETITION DISMISSED.

  
Frederick R. Schmidt, Director  
Technology Center 3700